

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS
(BOSTON, MA)

FILED
IN CLERKS OFFICE
2004 JUN 28 P 12:04

U.S. DISTRICT COURT
DISTRICT OF MASS.

ADE GEORGE OYEGBOLA,

Petitioner

vs.

C.A.NO. 04-10318-RGS

USCIS # A028-408-457

TOM RIDGE, Secretary, DHS
JOHN ASHCROFT, Attorney General, USDOJ
EDUARDO AQUIRRE JR., Director, USCIS
DENNIS RIORDAN, District Director-Boston, USCIS
Respondents

MOTION FOR JUDGMENT BY DEFAULT
FED.R.CIV.P RULE 55(e)

Now comes the Petitioner, Ade George Oyegbola, pro se, who respectfully moves this Court to enter Judgment by Default in favor of Petitioner and against All Respondents, pursuant to Civil Rule 55, on the grounds said Respondents have failed to answer, plead, or otherwise defend the Petition originally filed by the Petitioner on February 17, 2004 and Amended on May 26, 2004.

Petitioner's Request for Entry of default and Affidavit in support thereof was entered in the records by the Clerk of Court on June 16, 2004.

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**MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT OF
PETITIONER'S MOTION FOR JUDGMENT BY DEFAULT
FED.R.CIV.P RULE 55**

Federal Rule of Civil Procedures Rule 55(b)(2) states that if the party against whom affirmative relief or judgment is sought fails to plead or otherwise defend, the party entitled to judgment by default shall apply to the Court thereof. However, Civil Rule 55(e) states that "No judgment by default shall be entered against the United States or an officer or agency thereof unless the claimant establishes a claim or right to relief by evidence satisfactory to the court."

As more fully stated below, Petitioner is entitled to relief by default judgment.